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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Roberto Bez and Alessandro Grossi

Title: PROCESS FOR SELF-ALIGNED MANUFACTURE OF INTEGRATED ELECTRONIC DEVICES

Serial No.: 10/713,538

Filing Date: November 14, 2003

Examiner/Unit: Michael Lebentritt / 2824

Attorney Docket No.: 2110-62-3

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8th day of November, 2004.


Signature

RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 CFR § 1.143

TO THE COMMISSIONER FOR PATENTS:

In response to the October 7, 2004 restriction requirement under 35 USC § 121, Applicants elect Group II (Claims 19-39) and the species of FIGS. 1-16 for prosecution with traverse. All of the claims 1-48 read on the species of FIGS. 1-16 and the species of FIGS. 17-18.

The restriction is improper for two reasons.

First, the restriction is improper because, as the Examiner admits, at least claim 45 is generic to all of the claimed species. Therefore, for prosecution efficiency, the Examiner should examine all of the claims and enforce the restriction only if claim 45 is not allowed in its generic form.

Second, the restriction is improper because the Examiner can search and examine the application without serious burden. According to MPEP § 803, if the Examiner can search and examine the application without serious burden, then he/she **MUST** examine

the application on the merits even though it includes claims to independent or distinct inventions. Because claims 1-18 (Group I) and claims 19-22 (Group II) recite similar subject matter, and because claims 40-48 (Group I) and 26-39 (Group II) also recite similar subject matter, the Examiner's search for Group II will also cover the claims of Group I, and the Examiner's examination of Group II will be similar to that of Group I. Consequently, because the Examiner can perform a single search and examination that will cover all of the claims, he can search and examine the application without serious burden, and, therefore, **MUST** examine all of the claims 1-48 together.

In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the Applicants' attorney, Bryan Santarelli, at (425) 455-5575.

DATED this 8th day of November, 2004.

Respectfully submitted,

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